

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER I: DEPARTMENT OF CORRECTIONS  
SUBCHAPTER a: ADMINISTRATION AND RULES

PART 107  
RECORDS OF OFFENDERS

SUBPART A: ADMISSION DOCUMENTS

Section

107.10 Applicability  
107.15 Responsibilities  
107.17 Definitions  
107.20 Required Admission Documents

SUBPART B: DIMINUTION OF SENTENCE

Section

107.100 Applicability  
107.105 Responsibilities  
107.107 Definitions  
107.110 Diminution of Felony Sentences  
107.120 Good Time Schedules and Sentence Credit Applicable to Felony Sentences  
107.130 Consecutive Sentences  
107.140 Concurrent Sentences  
107.142 Earned Discretionary Sentence Credit  
107.145 Earned Program Sentence Credit  
107.150 Revocation of Time and Credit  
107.160 Restoration of Time and Credit  
107.170 Institution Credits (Repealed)  
107.180 Misdemeanant Good Time Allowance (Repealed)  
107.190 Reporting of Earned Sentence Credit

SUBPART C: MERITORIOUS GOOD TIME, SUPPLEMENTAL SENTENCE CREDIT,  
AND EARNED DISCRETIONARY SENTENCE CREDIT

Section

107.200 Applicability  
107.205 Responsibilities  
107.207 Definitions  
107.210 Awarding of Earned Discretionary Sentence Credit  
107.220 Reporting of Supplemental Sentence Credit (Repealed)  
107.230 Revocation and Restoration of Earned Discretionary Sentence Credit

SUBPART D: MAINTENANCE OF RECORDS

Section

- 107.300 Applicability
- 107.305 Responsibilities
- 107.307 Definitions
- 107.310 Access to Records
- 107.320 Disclosure of Master Record File Material for Youth Committed to the Juvenile Division – Court Agreement
- 107.330 Release of Clinical Records to Offenders and Authorized Attorneys (Adult Facilities Excluding Transition Centers) – Court Agreement
- 107.340 Release of Clinical Records to Offenders and Authorized Attorneys (Transition Centers)

SUBPART E: ACCESS AND REVIEW OF  
CRIMINAL HISTORY RECORD INFORMATION

Section

- 107.400 Applicability
- 107.405 Responsibilities
- 107.410 Definitions
- 107.420 Right to Access and Review
- 107.430 Requests for Access and Review
- 107.440 Challenge of Record

SUBPART F: HIGH SCHOOL EQUIVALENCY  
AND PROGRAM SENTENCE CREDIT

Section

- 107.500 Applicability
- 107.505 Responsibilities
- 107.510 Definitions
- 107.520 Eligibility for Earned Program Sentence Credit
- 107.525 High School Equivalency (HSE) Earned Program Sentence Credit
- 107.526 Higher Education Earned Program Sentence Credit
- 107.530 Goal Statements
- 107.540 Program Goals
- 107.550 Goal Periods
- 107.560 Award of High School Equivalency Earned Program Sentence Credit and Program Sentence Credit
- 107.570 Revocation and Restoration of Earned Program Sentence Credit

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## SUBPART B: DIMINUTION OF SENTENCE

### Section 107.145 Earned Program Sentence Credit

Individuals in custody~~Offenders~~ who are enrolled in full-time substance abuse programs, Correctional Industries assignments, vocational or academic educational programs, behavior modification programs, life skills courses, ~~or~~ re-entry planning, self-improvement programs, approved volunteer activities, work assignments or ATC/work release programming approved by the Department may be eligible to receive earned program sentence credit in addition to other credit awarded in accordance with this Part. Earned program sentence credit shall be awarded at the applicable rate for each day during which program goals have been achieved in accordance with Subpart F.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: MERITORIOUS GOOD TIME, SUPPLEMENTAL SENTENCE CREDIT, AND EARNED DISCRETIONARY SENTENCE CREDIT

**Section 107.210 Awarding of Earned Discretionary Sentence Credit**

- a) The Director, or his or her designee, may award eligible individuals in custody~~offenders~~ additional credit up to a maximum of 180 days for individuals serving a sentence of less than five years and a maximum of 365 days for individuals serving a sentence of five or more years~~180 days~~, in accordance with Section 3-6-3(a)(3) of the UCOC, for good conduct. However, individuals in custody~~offenders~~ shall not be eligible to receive earned discretionary sentence credit, supplemental sentence credit, meritorious good time, or an aggregation of these credits:
  - 1) Greater than the statutory maximum during one term of incarceration.
  - 2) If the sentence credit reduces the sentence to less than:
    - A) 85% for individuals in custody~~offenders~~ required to serve 85% of their sentence; or
    - B) 60% for individuals in custody~~offenders~~ required to serve 75% of their sentence, except for the offense of gunrunning, which shall not be reduced less than 75%.
- b) In determining whether or not to award earned discretionary sentence credit, the Director, or his or her designee:
  - 1) Shall make a determination, either in written or electronic form, that the individual in custody~~offender~~:
    - A) Is eligible, based on his or her holding offenses, to receive earned discretionary sentence credit;
    - B) Has served a minimum of 60 days of his or her sentence in the custody of the Department;
    - C) Has received a risk and needs assessment administered with a validated instrument; and
    - D) Has met the eligibility criteria established in this Section.
  - 2) May examine or consider, among other matters:
    - A) The complete master record file of the individual in custody~~the offender~~, including, but not limited to, sentencing material

including the facts and circumstances of the holding offense, disciplinary records, and reports or recommendations made concerning the individual in custody~~offender~~.

- B) Results of an available risk and needs assessment analysis or an evaluation from a validated instrument.
  - C) History of conviction for forcible felony as provided in Section 2-8 of the Criminal Code of 2012.
  - D) The assignment performance of the individual in custody~~offender~~ while in the custody of the Department.
  - E) Educational or program performance and achievements of the individual~~offender~~ while in the custody of the Department.
  - F) Service to the Department, community or State.
  - G) Heroic action of the individual in custody~~offender~~ such as saving the life of an employee or other offender.
  - H) The individual's in custody~~offender's~~ commitment to rehabilitation.
- c) The decision to award earned discretionary sentence credit shall be at the sole discretion of the Director or his or her designee.
  - d) No individual in custody~~offender~~ shall be eligible to receive earned discretionary sentence credit if he or she:
    - 1) Is serving a term of natural life or has been sentenced to death;
    - 2) Is serving a sentence for first degree murder or for the offense of terrorism;
    - 3) Has been found guilty of a 100-level disciplinary offense under 20 Ill. Adm. Code 504 during the 12 months preceding the review; or
    - 4) Has been found guilty of, or has a pending charge resulting from, a criminal offense committed during his or her current term of incarceration.
  - e) No individual in custody~~offender~~ whose court sentencing order recommends substance abuse treatment for offenses committed on or after September 1, 2003 shall be awarded earned discretionary sentence credit unless:

- 1) He or she participates in and completes a substance abuse treatment program; or
  - 2) The Director waives the requirement to participate in or complete the treatment program in specific instances in which the individual in custody~~offender~~ is not a good candidate for the program due to medical, programming or operations reasons. When substance abuse treatment is not available, offenders shall be placed on a waiting list for treatment. Individuals in Custody~~Offenders~~ on a waiting list who are not placed in a substance abuse treatment program prior to release may be eligible for a waiver and receive earned discretionary sentence credit as determined by the Director or his or her designee.
- f) No individual in custody~~offender~~ who has been convicted of a sex offense, as defined in the Sex Offender Registration Act, committed on or after June 1, 2008 shall be awarded earned discretionary sentence credit unless he or she:
- 1) Successfully completes or is participating in sex offender treatment as defined by the Sex Offender Management Board (see 20 Ill. Adm. Code 1905); or
  - 2) Receives a waiver due solely to lack of Department resources.
- g) Habitual juvenile individuals in custody~~offenders~~ or violent juvenile individuals in custody~~offenders~~ shall not be eligible for earned discretionary sentence credit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART F: HIGH SCHOOL EQUIVALENCY AND PROGRAM SENTENCE CREDIT

##### **Section 107.520 Eligibility for Earned Program Sentence Credit**

- a) Individuals in Custody~~Offenders~~ who, on or after January 1, 2018, are engaged full-time in substance abuse programs, Correctional Industries assignments, academic or vocational education programs, behavior modification programs, life skills courses, ~~or~~ re-entry planning, ATC/work release programs provided or approved by the Department shall be eligible to receive earned program sentence credit at the rate of 1.00-5 per program day provided:
  - 1) They are eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole

or mandatory supervised release violator in accordance with Subpart B;  
and

- 2) They achieve the goals established by the Department within a specified time period.

b) Individuals in custody who, on or after July 1 2021, are engaged in full time self-improvement programs, approved volunteer activities, or work assignments provided or approved by the Department shall be eligible to receive earned program sentence credit at the rate of 0.5 per program day provided:

- 1) They are eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator in accordance with Subpart B; and
- 2) They achieve the goals established by the Department within a specified time period.

cb) Individuals in Custody~~Offenders~~ shall not be eligible to receive earned program sentence credit at the rate of 1.0 or 0.5 per day if:

- 1) They are assigned to a boot camp or electronic detention program.
- 2) They are serving a sentence for an excluded offense under the provisions of Section 3-6-3(a)(4) of the UCOC.
- 3) They are removed from the program for failure to comply with program requirements or for disciplinary reasons.

de) Individuals in Custody~~Offenders~~ who are not eligible under subsection (a) and who enroll full-time in an educational program approved by the Department shall be eligible to receive program sentence credit at the rate of 0.25 per day provided:

- 1) They are eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator in accordance with Subpart B;
- 2) The offense for which they were convicted was committed on or after September 10, 1990 through August 10, 1993;
- 3) They have not been convicted of first degree murder, second degree

murder, or a Class X felony;

- 4) They have not been convicted of a felony that was committed after a previous award of earned good conduct credit or program sentence credit;
- 5) They achieve the educational goals established by the Department within a specified time period; and
- 6) They are not removed from the program for failure to comply with program requirements or for disciplinary reasons.

ed) Individuals in Custody~~Offenders~~ serving a sentence for an offense committed prior to June 19, 1998, excluding individuals in custody~~offenders~~ serving a term of natural life imprisonment, may be eligible to receive earned 45 or 90 days of earned program sentence credit for programming completed prior to January 1, 2020 if:

- 1) the Department provides documentation of successful completion of programming;
- 2) the individual in custody~~offender~~ provides testimony in the form of an affidavit or documentation that he or she likely engaged in and successfully completed full-time programming; or
- 3) a third party provides documentation or testimony that the individual in custody~~offender~~ likely engaged in and successfully completed full-time programming.

fe) Individuals in Custody~~Offenders~~ who are eligible for earned program sentence credit under subsection (d) that provide documentation of program participation in excess of 45 days shall receive 90 days of sentence credit.

gf) Individuals in Custody~~Offenders~~ who are eligible for earned program sentence credit under subsection (d) that cannot provide documentation of program participation of more than 45 days shall receive 45 days of program participation.

hg) Individuals in Custody~~Offenders~~ eligible for sentence credit under subsection (d) who have been convicted of a sex offense, as defined in the Sex Offender Registration Act [730 ILCS 150], shall not receive the earned program sentence credit under subsection (d) unless he or she successfully completes, or is participating in, sex offender treatment. However, if the individual in custody~~offender~~ is on a waiting list for treatment but is unable to participate due



solely to lack of Department resources, he or she may be awarded 45 or 90 days earned program credit at the discretion of the Director.

- ih) No individual in custody~~offender~~ shall be eligible to receive earned program sentence credit if the award reduces his or her sentence to less than:
  - 1) 85% for individuals in custody~~offenders~~ required to serve 85% of their sentence; or
  - 2) 60% for individuals in custody~~offenders~~ required to serve 75% of their sentence, except for the offense of gunrunning, which shall not be reduced less than 75%.
- ji) Full-time assignment to a program for which an offender may be eligible to receive earned program sentence credit shall mean:
  - ~~1) The offender is housed at a residential substance abuse program facility or unit or is normally scheduled to participate in substance abuse programming at least 15 hours per week;~~
  - ~~2) The offender is normally scheduled to work with or receive job training from Correctional Industries at least 20 hours per week;~~
  - ~~3) The offender is a student enrolled in an educational program that has classes that are normally scheduled to meet a minimum of 10 hours per week, or the offender is enrolled in college academics for a minimum of six credit hours per module or 12 credit hours per semester;~~
  - ~~4) The offender is enrolled in a behavior modification, life skills course, or re-entry planning program for the number of hours identified in his or her program contract and as determined by the risk and needs assessment.~~
  - 1) Behavioral modification, life skills, re-entry planning, self-improvement program and volunteer activity programming shall be considered full-time if they include a minimum of three-hours of programming.
  - 2) Educational programming shall be considered full-time if an individual in custody:
    - A) Is enrolled in a continuing, ongoing, regularly scheduled educational program, and

B) Is enrolled in Adult Basic Education (ABE), Advanced ABE, Adult Secondary Education (ASE) or vocational programs where classes are regularly scheduled to meet a minimum of 10 hours per week (minimum of five days per week, two hours per day or four days per week, two and one-half hour per day), except for holidays; or

C) Is enrolled in a college academic program for a minimum of six (6) credit hours per module or twelve (12) credit hours per semester.

3) Substance use programming shall be considered full-time if the participant is:

A) Housed in a dedicated substance use program facility, or housing unit or housing unit wing, in which all individuals in custody are receiving full-time substance use services; or

B) Normally scheduled to participate in a minimum of 15 hours of substance use programming per week.

4) A Correctional Industries assignment shall be considered full-time if normally scheduled for a minimum of four hours per day, five days per week.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 107.526 Higher Education Earned Program Sentence Credit

Individuals in Custody~~Offenders~~ who are eligible for earned program sentence credit in accordance with Section 107.520 and who have not previously obtained a higher education degree shall be awarded 120 days of earned programs sentence credit for an Associates degree or 180 days for higher education beyond and Associate degree~~earned program sentence credit~~ if he or she earns a higher education degree while committed to the Department or while held in pre-trial detention prior to his or her current incarceration in the Department. The award of higher education earned program sentence credit shall be in addition to other awards of earned sentence credit.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 107.550 Goal Periods

a) The goal period for individuals in custody~~offenders~~ who are enrolled in an educational program, except college academic programs, shall be 45 instructional

days of attendance or the number of instructional days of attendance required to complete the program if less than 45 instructional days, unless otherwise modified by the Director or his or her designee.

- b) The goal period for individuals in custody~~offenders~~ who are enrolled in college academic programs and for individuals in custody~~offenders~~ in the transition centers who are enrolled in any educational program approved by the Department shall be the period of time during which the classes are scheduled, unless otherwise modified by the Director or his or her designee.
- c) The goal period for substance abuse programs shall be the length of the program or 90 consecutive days, whichever is shorter, unless otherwise modified by the Director or his or her designee.
- d) The goal period for behavior modification programs, life skills courses, ~~and~~ re-entry planning programs, self-improvement programs, approved volunteer activities and work release, for which an individual in custody~~offender~~ may be eligible to receive earned program sentence credit shall be the number of hours determined to be beneficial based on the individual's in custody~~offender's~~ risk and needs assessment.
- e) The goal period for Correctional Industries assignments shall normally be 90 days, unless otherwise modified by the Director or his or her designee.
- f) When an individual in custody~~offender~~ completes the program early, the goal period shall be revised to the date of completion and the individual in custody~~offender~~ shall be eligible to receive program sentence credit for the revised goal period.
- g) If the individual in custody~~offender~~ is removed from the program or assignment due to placement in protective custody, non-voluntary transfers for other than disciplinary reasons, termination or suspension of the program by the Department, release on parole or mandatory supervised release, transfer to work release, placement on electronic detention, or other reasons approved by the Chief Administrative Officer, the goal period may be revised to the date removed from the program. In determining whether to revise a goal period, the Department shall consider, among other factors, the individual's in custody~~offender's~~ medical and mental health status, protection needs, projected release date, and time in the program. The individual in custody ~~shall~~~~offender may~~ be eligible to receive program sentence credit for the revised goal period provided satisfactory progress has been made towards achieving stated goals.
- h) If the individual in custody~~offender~~ is removed from the program or assignment

prior to completion of the goal period due to reasons other than those stated in subsection (i) of this Section, the offender shall not receive any earned program sentence credit for the goal period.

(Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 107.560 Award of High School Equivalency Earned Program Sentence Credit and Program Sentence Credit**

Within 15 working days, whenever feasible, after completion of the goal period or removal from the program, the program administrator or Chief Administrative Officer shall:

- a) Determine whether the individual in custody~~offender~~ achieved the required goals or was making satisfactory progress toward achieving the goals in accordance with Section 107.550(g).
- b) Document the determination of ineligibility or the award of the HSE certificate. Awarded HSE earned program sentence credit shall only be subject to revocation if it is subsequently determined that the offender was not eligible for the award. Partial HSE earned program sentence credit shall not be awarded.
- c) Document the determination of ineligibility or the number of calendar days during the goal period for which the offender is eligible to receive earned program sentence credit. The days eligible for the award shall be the number of calendar days during the goal period, less the total number of days of lockdowns, days the offender was absent, and days in which class or the program assignment was cancelled.
- d) Ensure earned program sentence credit is computed at the appropriate rate, 0.25 or 0.5, in accordance with Section 107.520(a) or (c).
- e) The award of HSE earned program sentence credit or program sentence credit shall be subject to the review and approval of the Director or his or her designee. A copy of the award of HSE earned program sentence credit or earned program sentence credit shall be filed in the offender's master record file.
- f) Individuals in Custody~~Offenders~~ shall be advised in writing of the award of HSE program sentence credit or program sentence credit or the determination of ineligibility of the award.
- g) New goal periods and goals shall be established upon continued placement or re-enrollment in educational programs or continued placement in substance abuse programs, behavioral modification programs, life skills courses, re-entry planning,

515 or Correctional Industries assignments in accordance with this Subpart.

516

517 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)